



Correspondence Management System

Congressional Search Results

Search Date: May 15, 2018

ROKITA, TODD-House of Representatives-/DC

Total: 6

Control No.	Status	Letter Date	Received	Subject	Last Action
AL-17-000-7068	Closed	Mar 28, 2017	Apr 03, 2017	THE RENEWABLE FUEL STANDARD (RFS)	Cassandra Eades approved and closed control
AL-17-000-7740	Closed	Apr 06, 2017	Apr 19, 2017	STATUS OF THE EPA'S ONGOING INVESTIGATION INTO KOKOMO OPALES-CENT GLASS COMPANY (KOG)	Gayvonne Gary approved and closed control
AL-17-001-1255	Closed	Jul 14, 2017	Jul 20, 2017	THE EPA'S ENDANGEMENT FINDING FOR LEAD EMISSIONS FROM PISTON-ENGINE AIRCRAFT USING LEADED AVIATION GASOLINE	Cassandra Eades approved and closed control
AX-17-000-6396	Closed	Mar 16, 2017	Mar 16, 2017	Thank you notes from AD to people he spoke with at Presidential address	Brigette Moritz Finished response document and closed control
AL-18-000-1190	Closed	Oct 17, 2017	Nov 02, 2017	DEVELOP AUNIFORM POSITION ON BIOTECHNOLOGY IN AGRICULTURE	Kathy Mims Control Closed
AL-18-000-1489	Closed	Nov 06, 2017	Nov 09, 2017	INPUT FROM YOUR AGENCY ON WHETHER NEW PERSONNEL AUTHORITIES RECENTLY GRANTED WOULD BE BENEFICIAL FOR INCREASING THE EFFICIENCY, EFFECTIVENESS AND PERFORMANCE OF YOUR AGENCY	Cassandra Eades Control Closed



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN - 9 2017

OFFICE OF
AIR AND RADIATION

The Honorable Todd Rokita
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rokita:

Thank you for your March 28, 2017, letter to the U.S. Environmental Protection Agency regarding the petition for small refinery hardship relief submitted by Calumet Specialty Products Partners (Calumet).

The EPA treats its decisions on small refinery petitions for exemption from the Renewable Fuel Standard as confidential business information (CBI). For that reason, I cannot share specifics about our decision on Calumet with you. However, I can tell you that EPA recently issued its determination on Calumet's petition.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Dunham", is written over a horizontal line.

Sarah Dunham
Acting Assistant Administrator

DISTRICT OFFICES

355 S. WASHINGTON STREET
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LAFAYETTE, IN 47901
(765) 838-3930
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Congress of the United States

House of Representatives

Washington, DC 20515

March 28, 2017

TODD ROKITA
4TH DISTRICT, INDIANA

COMMITTEE ON THE BUDGET
VICE-CHAIRMAN

COMMITTEE ON EDUCATION
AND THE WORKFORCE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

ROKITA.HOUSE.GOV

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Administrator Pruitt,

I am writing concerning Calumet Specialty Products Partners, LP's ("Calumet") small refineries located in Superior, Wisconsin and Great Falls, Montana. It has been brought to our attention that they have petitioned the Environmental Protection Agency (EPA) for "hardship relief" from the Renewable Fuel Standard (RFS) for the 2016 compliance year based on the disproportionate economic hardship the refineries would suffer if they were required to buy credits (called "renewable identification numbers" or "RINs") for compliance and that EPA has indicated that it intends to deny the company's petitions. Small refinery hardship relief is an administrative procedural element of the existing RFS regulatory program and is not directly caught up in the broader challenges to the efficacy of the program as a whole or the debate regarding the point of obligation.

One of the company's largest operating expenses is compliance with the RFS program. For 2016, as reported in the refineries' petitions to EPA, Calumet would have a cost of compliance from buying RINs of approximately \$23MM for its Superior refinery and approximately \$13MM for its Great Falls refinery. To put this in perspective, Calumet would be paying more for RFS compliance than it pays to its employees. Calumet's Superior and Montana refineries are cash flow negative and cannot buy RINs. Their petitions advised EPA that two rounds of employee layoffs have already occurred and that the company is preparing for a third round of layoffs this summer, which will be larger than each of the two prior layoffs. A list of the employees who lost their jobs already is attached.

In addition to laying off employees, the company has stopped making investments in its refineries; is deferring non-critical maintenance, and all of the company's remaining assets have been collateralized under a secured debt instrument with a significant interest rate. Without capital investments, contractors will not be hired, affecting the local communities, and the refineries will not be able to make investments to remain competitive with their much larger competitors.

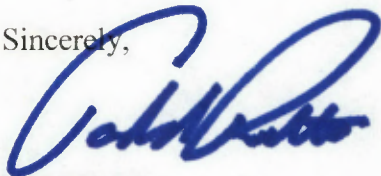
Failure to obtain hardship relief for both the Superior and Great Falls refineries, coupled with any other unexpected adverse events, would significantly increase the risk that the company's ability to continue operations could be materially impaired. Our President has indicated that this

is the type of job-crushing regulatory program that he intends to see fixed. Fortunately, it is within EPA's purview to grant relief now, before more jobs are lost and the local economies in which these refineries operate are harmed. For these reasons, we urge you to review the merits of Calumet's petitions and not to issue an adverse ruling, which could have the effect of costing American jobs and harming the U.S. economy further.

It's important to note that the renewable fuel has already been blended with the transportation fuel produced by Calumet in 2016. Therefore, granting 2016 hardship relief will not result in less renewable fuel blending, it will simply avoid a substantial expense for a company unable to afford it.

Thank you for considering my request.

Sincerely,



Todd Rokita
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 04 2017

The Honorable Todd Rokita
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Rokita:

Thank you for your April 6, 2017 letter regarding air and soil sampling at Kokomo Opalescent Glass Company (KOG).

It is EPA's understanding that in response to concerns about air deposition of hazardous air pollutants from art glass facilities in the Portland, Oregon area, the Indiana Department of Environmental Management (IDEM) conducted soil sampling in Kokomo, Indiana in 2016. In addition, EPA requested that IDEM collect air samples near KOG to assess potential release of hazardous air pollutants. To collect the samples, IDEM identified a location on KOG's property to place stationary air monitoring equipment, and obtained access to this location through an agreement between IDEM and KOG. After collecting the samples, IDEM sends the air samples to a laboratory, and EPA bears the costs for sample analysis. All air monitoring for hazardous air pollutants will conclude by June 30, 2017. EPA will continue to evaluate the results of this air monitoring data.

Your letter mentions air monitors placed on employees. EPA is not aware of, and has not required, any air monitors to be worn by employee personnel. Worker protection requirements are typically handled by the federal Occupational Safety and Health Administration or its state counterpart.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Eileen Deamer or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Kaplan", is written over the typed name.

Robert A. Kaplan
Acting Regional Administrator

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Congress of the United States

House of Representatives

Washington, DC 20515

April 6th, 2017

TODD ROKITA
4TH DISTRICT, INDIANA

COMMITTEE ON THE BUDGET
VICE-CHAIRMAN

COMMITTEE ON EDUCATION
AND THE WORKFORCE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

ROKITA.HOUSE.GOV

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt,

I am writing to inquire on the status of the Environmental Protection Agency's (EPA) ongoing investigation into Kokomo Opalescent Glass Company (KOG) and to seek a speedy resolution to this investigation so that KOG can focus on operations, not bureaucracy.

KOG has been in business in Kokomo, IN for 127 years and is the oldest art glass producer in the United States. In March 2016, following a memorandum sent by Acting Assistant Administrator Janet McCabe, a group of inspectors from the EPA and the Indiana Department of Environmental Management (IDEM) visited KOG's headquarters. After an exemption of the facilities, the EPA sent a Finding of Violation (FOV) to the company. This document included several statements of violation and indicated that the company was in violation of regulations from which the EPA's rulemaking may have exempted KOG (see attachment).

Since then, over 570 air samples have been taken by EPA agents with only two showing a slight over-the-limit reading for one of the six tested metals and even those cannot be definitively traced back to KOG. All soil samples and air monitors placed on employees have fallen well within established regulatory limits. To accomplish this, the EPA has parked monitoring equipment on KOG's property for several months now. Repeated efforts to have the EPA explain the long duration of these tests, the lack of release or follow-up to the FOV, and why KOG is being held to standards that it has been exempted from have gone unheeded.

KOG has long complied with EPA regulations, but these recent actions come at a significant cost to the company. They have accrued over \$100,000 in legal and environmental consulting costs to ensure that the company is effectively and legally communicating with the EPA. However, if this monitoring continues, KOG may face the same fate as other, large art glass companies like Spectrum and Uroboros, both of which have moved production to Mexico and cited heavy-handed government regulations as a motivating factor. I recognize that this investigation began in the prior administration and I am encouraged by your statements that the EPA should better serve American job-creators. It is my hope that under your leadership, the EPA can provide the transparency to KOG that the prior administration did not.

I urge you to review the EPA's actions in this case and bring real resolution to this ongoing investigation for KOG and the greater Kokomo community.

Sincerely,

Todd Rokita
Member of Congress

TR/mm

Exhibit c

BARNES & THORNBURG LLP

Joel T. Bowers
Partner
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joel.bowers@btlaw.com

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May 12, 2016

Via E-Mail

McAuliffe.marv@EPA.gov

Ms. Mary McAuliffe
U.S. EPA, Region 5
Mail Code C-14J
77 West Jackson Boulevard
Chicago, IL 60604-3507

RE: Finding of Violation
Kokomo Opalescent Glass Company, Inc.
Kokomo, Indiana
EPA-5-16-IN-06

Dear Ms. McAuliffe:

On behalf of our client, Kokomo Opalescent Glass Company, Inc. ("KOG"), we would like to respond to the April 8, 2016 Finding of Violation ("FOV") referenced above. While we welcome the opportunity to discuss these matters with you in person at the meeting scheduled for May 16, we believe this letter will assist the agency's consideration of the alleged violations at KOG. As one of the oldest operating companies in America's colored glass manufacturing industry, KOG strenuously objects to U.S. EPA's new interpretation of the National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources. 40 CFR § 63, Part SSSSSS ("6S NESHAP"). KOG's operations were never intended to be covered by the 6S NESHAP, and they should not now be subject to these standards based on U.S. EPA's response to concerns over tests conducted in Oregon on facilities with patently different equipment and emissions potential than KOG.¹

As discussed in more detail below, KOG was never intended to be subject to the 6S NESHAP as evidenced by U.S. EPA's own rulemaking record. 72 Fed. Reg. 73,180 (Dec. 26, 2007). Since its promulgation, the 6S NESHAP specifically exempts "periodic or pot furnaces." *Id.* at 73,182. KOG's 12-Pot Furnace is precisely this type of exempt periodic or pot furnace. Moreover, KOG's colored glass manufacturing takes place in a true pot furnace, which seals raw materials from combustion gases generated during melting inside the furnace. KOG's operations do not result in metal particulates' exposure to furnace gases and do not cause the environmental harms addressed by the 6S NESHAP. Accordingly, KOG urges U.S. EPA to reconsider its April 8, 2016 FOV.

¹ Memo from Janet McCabe, Acting Assistant Administrator, U.S. EPA Office of Air and Radiation to U.S. EPA Regional Air Division Directors (Feb. 25, 2016).

KOG's 12-Pot Furnace Is Not Subject to the 6S NESHAP.

The final 6S NESHAP was promulgated in 2007, with significant attention given to the applicability of the NESHAP, and specifically to "ameliorating" commenters' concerns regarding the potential broader-than-intended reach of the NESHAP:

...based on [U.S. EPA's] review of the comments received on the proposed rule and the available data, [U.S. EPA has] decided to clarify that this final rule only applies to continuous furnaces and not to periodic furnaces.

72 Fed. Reg. 73,187 (bracketed portions and emphasis added). The preamble makes clear that U.S. EPA fully understood what units were excluded as "periodic furnaces" because, elsewhere in the preamble for the 6S NESHAP, U.S. EPA included the following:

Comment: Three commenters from companies that make stained glass commented that they own small facilities that operate, with one exception, small periodic furnaces (pot furnaces). ...The commenter stated that the rule should exempt periodic furnaces.

Response: ...we have concluded that the glass manufacturing area source category was listed based on emissions from relatively large manufacturing plants that operated continuous glass furnaces. Periodic furnaces were not included in the inventory. ...Therefore, we have revised § 63.11448 to specify that periodic or pot furnaces are not subject to the final Glass Manufacturing Area Source NESHAP.

Id. at 73,186 (underlined emphasis added).

As its name suggests, KOG's 12-Pot Furnace is capable of firing 12 individual pots. The pots are insulated vessels that can be opened to add raw materials and extract melted glass, but are sealed during the melting process to maintain the quality of KOG's product. At no time during heating in the 12-Pot Furnace are the pots opened in a way that would expose the raw materials to combustion emissions of the furnace or allow the materials to be carried from the process through the stack. KOG's 12-Pot Furnace is heated continually to avoid temperature swings that would damage the furnace's refractory. However, KOG only processes batches of raw materials to produce colored glass in its pot process five and a half or less each week.

KOG's operations do not meet the definition of a "continuous furnace" in 40 CFR § 63.11459—"a glass manufacturing furnace that operates continuously except during periods of maintenance, malfunction, control device installation, reconstruction, or rebuilding." What U.S. EPA's responses to comments make clear is that the continuous "operation" required of a "continuous furnace" for the purposes of the 6S NESHAP is the operation of glass production, and not the admittedly more customary usage of firing a furnace. To interpret the 6S NESHAP's definition otherwise is starkly counter to U.S. EPA's own, contemporaneous, assertions in the regulation's preamble. Put another way, the exception for pot or periodic furnaces that U.S. EPA

made clear when the regulation was promulgated would be meaningless under this new broader interpretation.

Because KOG does not operate a "continuous furnace" it is not subject to the 6S NESHAP. 40 CFR § 11448(c).

Prior to U.S. EPA's interest in test results from Oregon showing higher concentrations of heavy metals, there was never a question regarding whether the 6S NESHAP applied to operations like KOG's. U.S. EPA's rule and preamble were clear in their exclusion of batch operations and pot furnaces. Without discounting concerns over the test results obtained in Oregon, KOG is unwilling to be subjected to a regulation improperly—and face enforcement action—as a byproduct of U.S. EPA "investigation" into whether it can remedy Oregon's issues by forcing exempt sources to comply with the existing 6S NESHAP. See Memo from Janet McCabe at 2.

KOG's Operates True Pot Furnace, Eliminating Potential Emissions of Glass Manufacturing Metal Hazardous Air Pollutants (HAPs) from the Furnace.

As discussed above, KOG's furnace is a true "pot furnace," which may not be the case with other art glass operations that U.S. EPA has recently reviewed. In addition to the understanding of pot furnaces demonstrated by U.S. EPA in its promulgation of the 6S NESHAP, the agency further explained this type of glass manufacturing unit in the 1986 National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants. 40 CFR Part 61, Subpart N ("Subpart N"). Subpart N defines a "pot furnace" as:

a glass melting furnace that contains one or more refractory vessels in which glass is melted by indirect heating. The openings of the vessels are in the outside wall of the furnace and are covered with refractory stoppers during melting.

40 CFR § 61.161. The limitation on the ability of emissions to escape from a true pot furnace was critical to U.S. EPA's determination, codified in the regulation, that Subpart N does not apply to pot furnaces:

Because the glass is sealed off from the furnace atmosphere, no material from the glass melt can escape from the furnace with the furnace exhaust. Therefore, pot furnaces, as described [by Subpart N], would emit no arsenic emissions.

48 Fed. Reg. 33,153 (Jul. 20, 1983); 40 CFR § 61.160(a) (Subpart N applicability provision).

Accordingly, the configuration of KOG's colored glass manufacturing process is exactly the kind that U.S. EPA has recognized prevents the escape and emission of glass manufacturing metal HAPs.² This supports not only that the 6S NESHAP was never intended to regulate pot

² Arsenic is both a glass manufacturing metal HAP specified in the 6S NESHAP and the subject of Subpart N's requirements.

Ms. Mary McAuliffe
May 12, 2016
Page 4

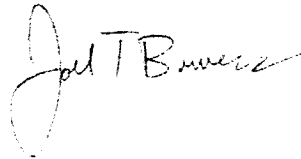
furnaces, but also that KOG's operations do not create the type of pollution meant to be addressed by the 6S NESHAP.

* * *

We believe that consideration of KOG's facility-specific facts and U.S. EPA's existing guidance support rescinding the April 8, 2016 FOV, and we look forward to discussing this with U.S. EPA staff next week. As a leader in the United States' colored glass manufacturing industry, KOG's continued compliance with those requirements applicable to its operations is of the utmost importance, and the company hopes to work with the agency to address these allegations.

Sincerely,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Joel T. Bowers". The signature is fluid and cursive, with the first name "Joel" being more prominent.

/s/ Joel T. Bowers

JTB/dac

cc: Mr. John O'Donnell
Mr. Richard Elliott
Mr. Phil Perry



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 14 2017

OFFICE OF
AIR AND RADIATION

The Honorable Todd Rokita
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rokita:

Thank you for your July 14, 2017, letter to the U.S. Environmental Protection Agency regarding the Endangerment Finding for Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline.

The EPA understands the importance of this issue to multiple stakeholders and we are committed to working with the Federal Aviation Administration. We take our responsibility to protect clean air seriously and are currently reviewing our policies on this issue. The Spring 2017 Regulatory and Deregulatory Agenda identifies the Endangerment Finding as a long term action with timing to be determined.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Dunham", is positioned below the "Sincerely," text.

Sarah Dunham
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

July 14, 2017

The Honorable Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

Dear Administrator Pruitt

Congratulations on your recent confirmation as the 14th Administrator of the U.S. Environmental Protection Agency (EPA). We understand and appreciate the immense amount of work you and your staff have before you as the Agency works to protect the environment while also reviewing significant regulatory actions proposed by the previous administration.

Certainly, we believe that many of the regulatory actions taken by the previous administration's EPA circumvented Congressional authority and harmed job creators and our economy in the pursuit of a political agenda. These actions are worthy of your full and complete review. However, there are some regulatory actions taken by previous administrations that are indeed within the scope of the EPA's statutory authority, good environmental policy, and beneficial to the economy. We write to you today regarding one of those regulatory actions that we believe is worthy of future consideration: the EPA's Endangerment Finding for Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline (Docket No.: EPA-HQ-OAR-2007-0294).

Lead is a toxic metal, hazardous to humans, which has been largely removed from fuels, paint, etc. over the past decades. However, one area still dependent upon Lead is its use in aviation gasoline (avgas) for piston aircraft. The EPA has taken steps since 2008 to analyze and prepare an endangerment finding impacting Lead used in avgas. The EPA's current timetable for issuing a Notice of Proposed Rulemaking regarding an endangerment finding for Lead in avgas is calendar year 2017, with a final determination to be issued in 2018.

This timetable coincides with the conclusion of the Federal Aviation Administration's (FAA) Piston Aviation Fuels Initiative (PAFI), a 5-year public-private partnership between the FAA, Department of Transportation (DOT), and participating industry partners across the General Aviation community to "get the Lead out" of aviation gasoline. At the end of the PAFI process, the FAA expects to issue a fleetwide certification for unleaded aviation gasoline so that all piston aircraft can continue to fly.

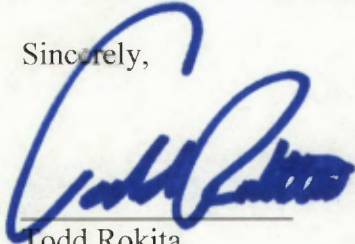
It is our understanding that FAA intends on meeting its 2018 deadline to complete the PAFI process and we are hopeful that EPA can say the same regarding the Aviation Lead Emissions Endangerment Finding. Most importantly, the FAA needs the EPA's endangerment finding to complete its own rulemaking work to support a fleetwide transition to unleaded avgas.

Congress of the United States
Washington, DC 20515

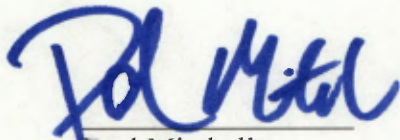
Can you please provide an update as to the status of the Aviation Lead Emissions Endangerment Finding and whether EPA anticipates being able to meet the schedule of a final determination in 2018?

Thank you for your prompt attention to this matter and we look forward to your response.

Sincerely,



Todd Rokita
Member of Congress



Paul Mitchell
Member of Congress



Sam Graves
Member of Congress



Kristi Noem
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 09 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Todd Rokita
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rokita:

Thank you for the letter of October 17, 2017, to the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, and the Food and Drug Administration regarding coordinating regulation of the products of biotechnology.

I want to assure you that EPA works closely with USDA and FDA to coordinate regulatory policies in response to stakeholder feedback. With regard to genome-edited products, in September 2016, the EPA indicated in the National Strategy for Biotechnology Products, available at <https://www.epa.gov/regulation-biotechnology-under-tsca-and-fifra/national-strategy-modernizing-regulatory-system>, the intent to clarify the approach to pesticidal products derived through genome editing. The EPA is working closely with USDA and FDA to develop approaches to genome-edited pesticidal products. We recognize the importance of keeping United States agriculture at the forefront of innovation while ensuring that products derived from biotechnology are safe and can successfully enter the marketplace, not only in the United States, but worldwide.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, reading "Charlotte Bertrand". The signature is fluid and cursive, with the first name "Charlotte" and last name "Bertrand" clearly distinguishable.

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator

NEAL P. DUNN, MD
2ND DISTRICT, FLORIDA

COMMITTEE ON AGRICULTURE
COMMITTEE ON VETERANS' AFFAIRS
COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-0902

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300 SOUTH ADAMS STREET
TALLAHASSEE, FL 32301
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423 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
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October 17, 2017

Secretary Sonny Perdue
Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Commissioner Scott Gottlieb
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Secretary Perdue, Administrator Pruitt, and Commissioner Gottlieb,

Advances in agricultural biotechnology provide enormous potential to address some of society's most difficult challenges. Biotechnology and emerging technologies such as gene editing can enhance environmental stewardship, help manage pests and diseases like Zika and citrus greening, and aid in the reduction of hunger, food waste, and nutritional insufficiencies. It is vital, however, that these tools have a consistent, science-based, risk-proportionate regulatory system, and that we remove any unnecessary burdens that would inhibit the use of these innovative solutions.

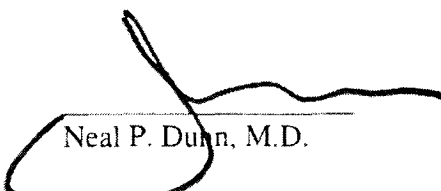
As your agencies continue to engage in the Interagency Taskforce on Agriculture and Rural Prosperity and explore other regulatory improvement opportunities, we believe there are several recent biotechnology regulatory efforts that warrant your attention. On January 19, 2017, the U.S. Department of Agriculture's (USDA) Animal Plant and Health Inspection Service (APHIS) published a draft revision to its Part 340 biotechnology regulations. The U.S. Food and Drug Administration (FDA) proposed expanding the scope of its guidance for industry (GFI) #187 to regulate any animal intentionally altered using gene editing techniques as a new animal drug. While we appreciate the thoughtful, science-based direction USDA offers on products of biotechnology and gene editing that APHIS has ample experience regulating, we are concerned that these drafts offer deeply conflicting regulatory approaches. Moreover, we do not believe they provide the consistent, appropriate system needed to promote the development of these innovative tools.

These contradictory proposals have sent inconsistent signals to our trade partners, who are in the midst of determining their own approaches to these technologies. We are concerned that if the Administration does not quickly develop a uniform position on biotechnology in agriculture, including gene editing, we will see an unworkable patchwork of international regulations emerge that will effectively further suppress American innovation and the solutions that come with it.

We urge you to coordinate with each other and stakeholders to improve these regulatory proposals in ways that are consistent and foster innovation. We also request that you increase engagement with our trading partners to promote a harmonized, science-based international regulatory system for these products. Finally, as you consider ways to engage with the public to discuss the continued advancement of biotechnology in agriculture, recall that Congress provided \$3 million in FY17 for FDA and USDA for these purposes, which would aid engagement efforts.

We appreciate your work and attention to this critical issue, and stand ready to assist you in efforts to improve the regulatory climate so that our economy and society may benefit from these promising technologies.


Sincerely,



Neal P. Dunn, M.D.



K. Michael Conaway



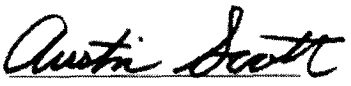
Glenn 'GT' Thompson



Frank D. Lucas



Mike Rogers



Austin Scott



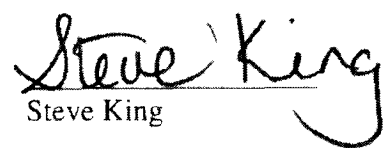
Jimmy Panetta




Collin C. Peterson




Bob Goodlatte



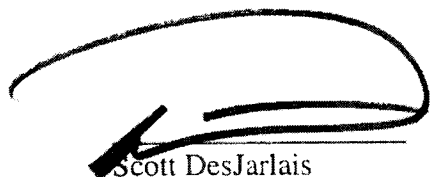
Steve King



Bob Gibbs



Rick Crawford



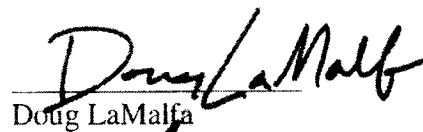
Scott DesJarlais



Vicky Hartzler



Jeff Benham



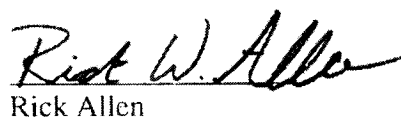
Doug LaMalfa



Rodney Davis



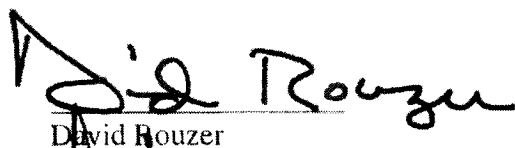
Ted Yoho, D.V.M.



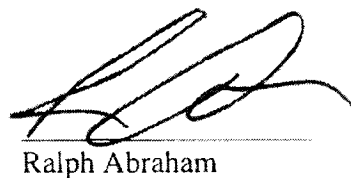
Rick Allen



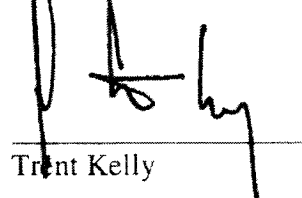
Mike Bost



David Rouzer



Ralph Abraham



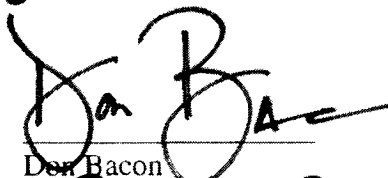
Trent Kelly



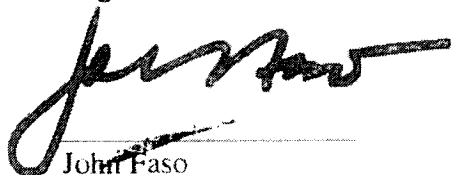
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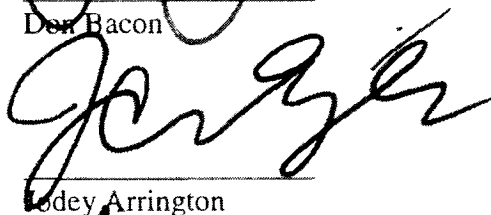
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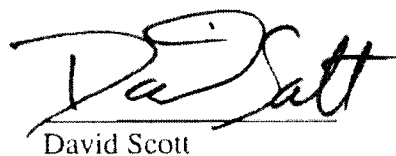
Don Bacon



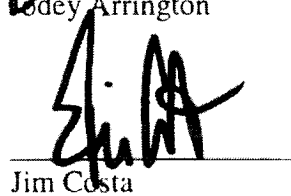
John Faso



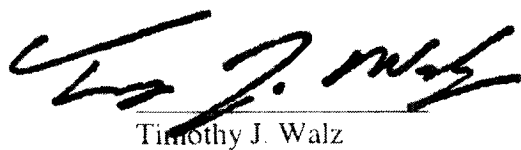
Rodney Arrington



David Scott



Jim Costa



Timothy J. Walz



Filemon Vela

Michelle Lujan Grisham

Michelle Lujan Grisham

Rick Nolan

Rick Nolan

Alma Adams

Alma Adams

Al Lawson

Al Lawson, Jr.

Darren Soto

Darren Soto

Rod Blum

Rod Blum

Julia Brownley

Julia Brownley

Matt Cartwright

Matt Cartwright

Charlie Crist

Charlie Crist

Ann Kuster

Ann Kuster

Cheri Bustos

Cheri Bustos

Dwight Evans

Dwight Evans

Tom O'Halleran

Tom O'Halleran

Lisa Blunt Rochester

Lisa Blunt Rochester

Susan W. Brooks

Susan W. Brooks

Bradley Byrne

Bradley Byrne

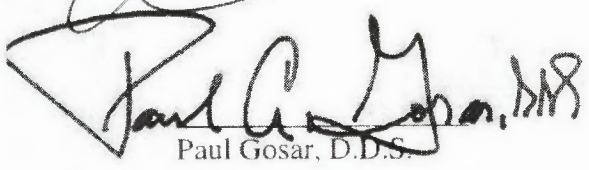
Kevin Cramer

Kevin Cramer

Ron Estes

Ron Estes

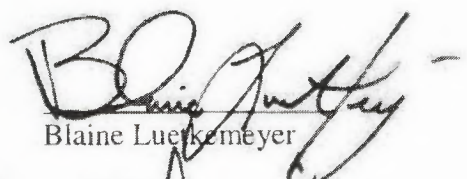

John Garamendi


Paul Gosar, D.D.S.


Andy Harris, M.D.

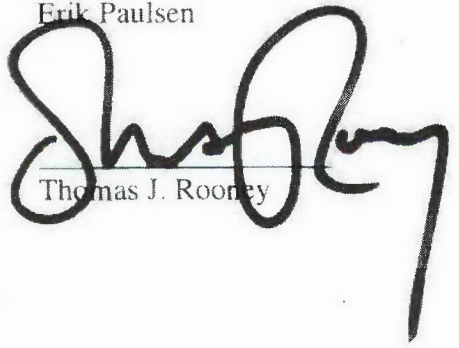

Sanford D. Bishop, Jr.


Ron Kind

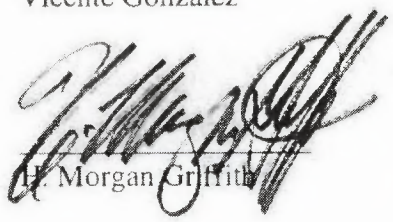

Blaine Lueckemeyer

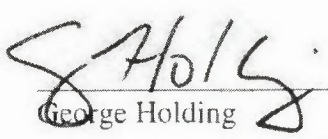

Dan Newhouse

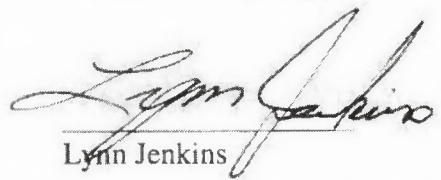

Erik Paulsen


Thomas J. Rooney

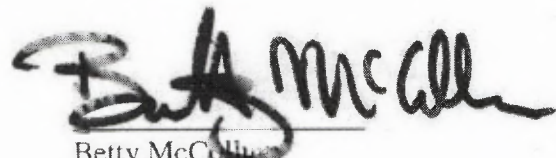

Vicente Gonzalez

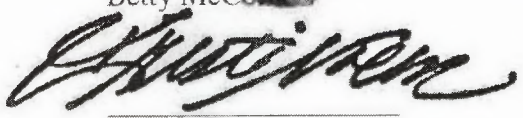

H. Morgan Griffith

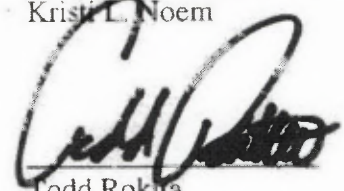

George Holding

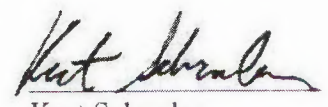

Lynn Jenkins


Mia B. Love


Betty McCollum



Kristi L. Noem

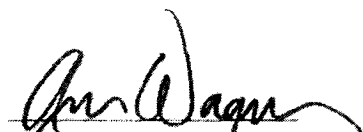

Todd Rokita

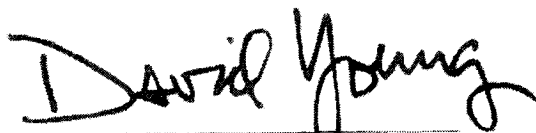

Kurt Schrader

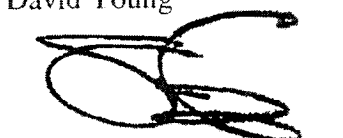

Dave Loebsock



Kyrsten Sinema



Adrian Smith


Ann Wagner


David Young

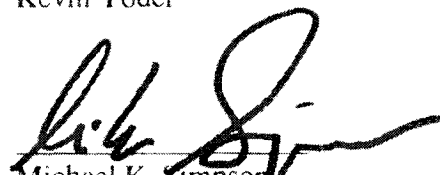

Sean Patrick Maloney


Tom Emmer


Terri A. Sewell


David G. Valadao


Kevin Yoder


Michael K. Simpson

Eades, Cassaundra

From: Williams, Thea
Sent: Tuesday, November 21, 2017 1:38 PM
To: Eades, Cassaundra; Mims, Kathy
Subject: PLEASE RETRACK and CLOSE: PLEASE REVIEW: Instructions for responding to letter on personnel flexibilities LRM [HWM-115-95]

Hi Sandy and Kathy: Would you please pull this control back from OARM and closed it per this email. OMB will provide the response to the Congressman. Thanks Thea

-----Original Message-----

From: Moody, Christina
Sent: Tuesday, November 21, 2017 11:46 AM
To: Williams, Thea <Williams.Thea@epa.gov>
Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: FW: PLEASE REVIEW: Instructions for responding to letter on personnel flexibilities LRM [HWM-115-95]

Christina J. Moody
Office of Congressional Affairs
US Environmental Protection Agency
Moody.Christina@epa.gov

From: Moody, Christina
Sent: Monday, November 20, 2017 3:27 PM
To: Aarons, Kyle
Cc: Farrell, Ericka; Williams, Thea; Knapp, Kristien
Subject: RE: PLEASE REVIEW: Instructions for responding to letter on personnel flexibilities LRM [HWM-115-95]

Thanks Kyle!

Thea, can you please pull this letter back from OARM and close out in CMS with a note that OMB will provide the response?

Thank you!

Christina J. Moody
Office of Congressional Affairs
US Environmental Protection Agency
Moody.Christina@epa.gov

From: Aarons, Kyle
Sent: Monday, November 20, 2017 3:24 PM
To: Moody, Christina
Cc: Farrell, Ericka; Williams, Thea; Knapp, Kristien
Subject: RE: PLEASE REVIEW: Instructions for responding to letter on personnel flexibilities LRM [HWM-115-95]

Looks like it's with Melissa Gantt of OARM/OHR

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

-----Original Message-----

From: Moody, Christina
Sent: Monday, November 20, 2017 3:22 PM
To: Aarons, Kyle <Aarons.Kyle@epa.gov>
Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: RE: PLEASE REVIEW: Instructions for responding to letter on personnel flexibilities LRM [HWM-115-95]

Yes, I got the email last week. I'm not able to search in CMS, but do we know which program it was assigned to?

Christina J. Moody
Office of Congressional Affairs
US Environmental Protection Agency
Moody.Christina@epa.gov

From: Aarons, Kyle
Sent: Monday, November 20, 2017 9:25 AM
To: Moody, Christina
Cc: Farrell, Ericka; Williams, Thea; Knapp, Kristien
Subject: FW: PLEASE REVIEW: Instructions for responding to letter on personnel flexibilities LRM [HWM-115-95]

Hi Christina – OMB is asking that we not respond as an individual agency to the 11/6 letter from Wenstrup and others on PL 115-41. The letter is 18-000-1489 in CMS. OMB is working on a single Administration response, which it will circulate before sending.

Thanks,
Kyle

Kyle Aarons
Congressional Affairs
U.S. Environmental Protection Agency
202-564-7351

From: (b) (6)
Sent: Friday, November 17, 2017 10:39 AM
To: 'ARC' <guyland@arc.gov>; 'BBG' <bbg-lrm@ibb.gov>; 'CFTC' <cftclrm@cftc.gov>; 'CNCS' <LRM@cns.gov>; Group Epalrm <Epalrm@epamail.epa.gov>; 'EX-IM' <eximlrm@exim.gov>; 'FCC' <OLAFCC@fcc.gov>; 'FEC' <fecclrm@fec.gov>; 'FHFA' <peter.brereton@fhfa.gov>; 'FLRA' <Leg@flra.gov>; 'FRS' <frboard.clo@frb.gov>; 'FRTIB' <legconts@tsp.gov>; 'FTC' <FTC-LRM@ftc.gov>; 'GSA' <ca.legislation@gsa.gov>; 'IMS' <legislative@imls.gov>; 'LSC' <bergmanc@lsc.gov>; 'MCC' <lrm@mcc.gov>; 'NCD' <jdurocher@ncd.gov>; 'NLRB' <LRM@nlrb.gov>; 'NSF' <olpalrm@nsf.gov>; 'NTSB' <christopher.wallace@ntsb.gov>; 'OPM' <cla@opm.gov>; 'Peace Corps' <congressional@peacecorps.gov>; 'PBGC' <clearance.leg@pbgc.gov>; 'RRB' <Karl.Blank@RRB.gov>; 'SSS' <rflahavan@sss.gov>; 'SBA' <cla@sba.gov>; 'SSA'

<congressionalcorrespondence@state.gov>; [REDACTED] (b) (6)

Attached please find a letter from Representative Wenstrup and other members of Congress that the agencies on this e-mail received last week asking for agency views on the extension of personnel authorities similar to those in the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (P.L. 115-41). OMB asks that agencies please refrain from responding to the letter individually.

OMB is drafting a single Administration response to the letter which will be circulated to this same distribution list in the coming days. Once the letter has gone through OMB clearance, it will be submitted to Rep. Wenstrup. OMB has notified Rep. Wenstrup that he will receive a single Administration response.

If you have already responded to the letter, please reply to this message and attach the response.

This message is being sent to the points of contact at agency who received the letter, as well as to the LRM points of contact for each agency (where applicable – we do not have an LRM contact for AMTRAK, the Election Assistance Commission, or the Equal Employment Opportunity Commission).

Thank you.

LRM ID: HWM-115-95
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM
Friday, November 17, 2017

TO: Legislative Liaison Officer - See Distribution

FROM: Menard, Barbara (for) Assistant Director for Legislative Reference

OMB CONTACT: Myers, Hayley

E-Mail: (b) (6)

PHONE: 202-395-3857

FAX: 202-395-6148

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

Congress of the United States

Washington, DC 20515

November 6, 2017

Dear Secretaries, Administrators, Directors and Commissioners:

Thank you for your service to our nation. As our country grapples with ever-increasing debt and the fiscal reality of needing to do more with less, promoting government efficiency is imperative. Over the past several years, one need not look further than the Department of Veterans Affairs to find numerous instances of waste, fraud, and malfeasance. These range from instances of staff intoxication during surgery to improper bonuses awarded to senior employees -- all while our veterans suffered from lengthy wait times for medical appointments and benefit appeals claims.

Recently, however, Congress granted VA Secretary David Shulkin the flexibility to promote greater accountability and efficiency for all levels of VA employees. Specifically, these new authorities include the ability to swiftly remove underperforming VA employees, recoup bonuses and other benefits provided to employees engaging in waste, fraud, or abuse, while expanding whistleblower protections for VA employees with the establishment of a new Office of Accountability and Whistleblower Protection. By signing this legislation, known as the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (P.L. 115-41) into law, we appreciate President Trump's support in working with Congress to make bold reforms to existing operational processes at a currently-beleaguered federal agency.

We write you today to solicit your input on whether the new authorities extended to Secretary Shulkin would be beneficial towards increasing the efficiency, effectiveness, and performance of your departments/agencies.

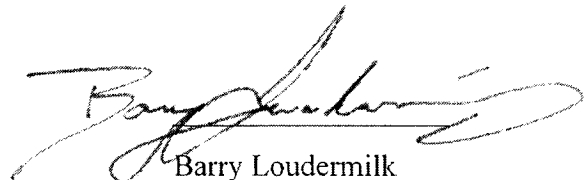
- Would the extension of these authorities to your department/agency be beneficial to operational efficiency, morale, and employee accountability?
- What recommendations do you have to improve or expand these authorities?

We appreciate your consideration of this request, and thank you for your attention to this matter.

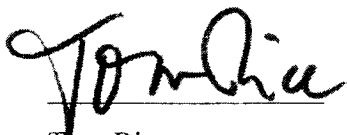
Sincerely,



Brad R. Wenstrup
Member of Congress



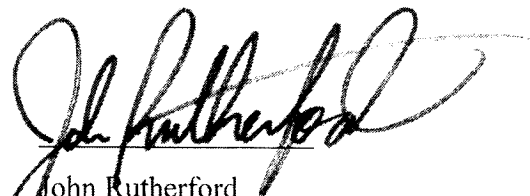
Barry Loudermilk
Member of Congress



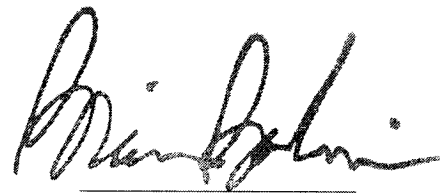
Tom Rice
Member of Congress



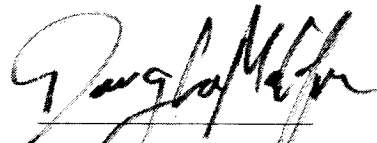
Robert Pittenger
Member of Congress



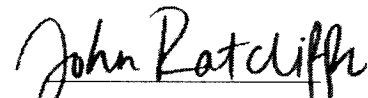
John Rutherford
Member of Congress




Brian Babin, D.D.S.
Member of Congress




Doug LaMalfa
Member of Congress




John Ratcliffe
Member of Congress



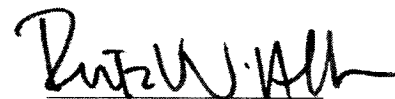
Mike Johnson
Member of Congress




Ralph Abraham, M.D.
Member of Congress



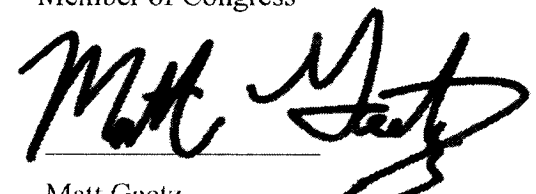
Neal Dunn, M.D.
Member of Congress




Rick W. Allen
Member of Congress



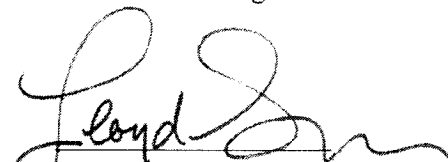
Mike Bishop
Member of Congress



Matt Gaetz
Member of Congress



Jim Banks
Member of Congress



Lloyd Smucker
Member of Congress



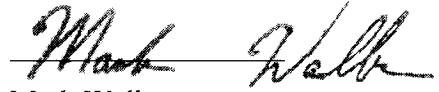
Steve Stivers
Member of Congress



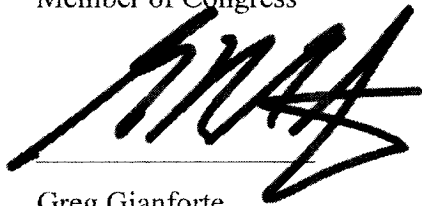
Warren Davidson
Member of Congress



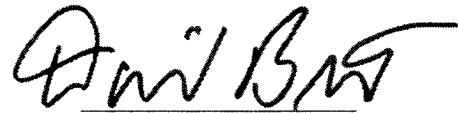
Rod Blum
Member of Congress



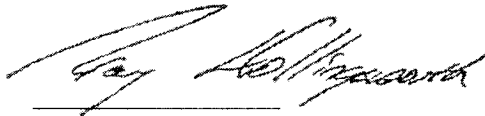
Mark Walker
Member of Congress



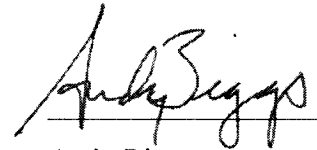
Greg Gianforte
Member of Congress



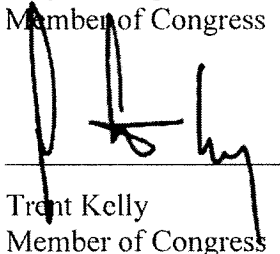
Dave Brat
Member of Congress



Trey Hollingsworth
Member of Congress



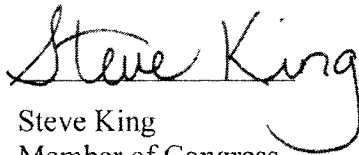
Andy Biggs
Member of Congress



Trent Kelly
Member of Congress



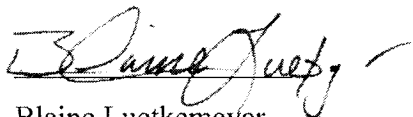
Rob Woodall
Member of Congress



Steve King
Member of Congress



Mark Sanford
Member of Congress



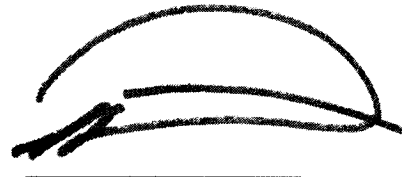
Blaine Luetkemeyer
Member of Congress



Vicky Hartzler
Member of Congress



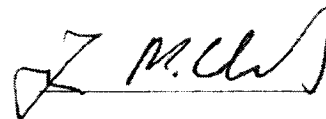
Louie Gohmert
Member of Congress



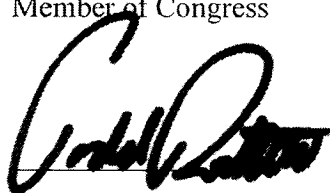
Scott DesJarlais
Member of Congress



Ed Royce
Member of Congress



Tom McClintock
Member of Congress



Todd Rokita
Member of Congress



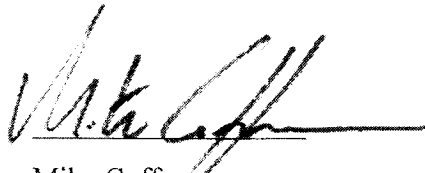
Ralph Norman
Member of Congress



Steve Chabot
Member of Congress



Austin Scott
Member of Congress



Mike Coffman
Member of Congress



Bob Gibbs
Member of Congress



Bill Johnson
Member of Congress

CC: All Federal Executive and Independent Agencies



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

THE ADMINISTRATOR

March 1, 2017

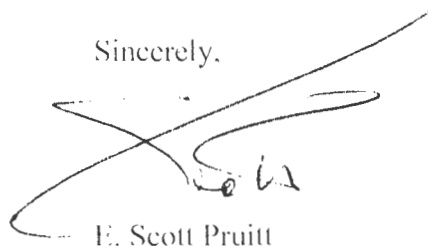
Todd Rokita
Member of Congress
4th District, Indiana
2439 Rayburn HOB
Washington, DC 20515

Dear Todd:

It was a pleasure speaking with you at the
President's address to Congress.

I look forward to working with you.

Sincerely,

A handwritten signature in black ink, which appears to read "E. Scott Pruitt", is written over a horizontal line. The signature is stylized and cursive.

E. Scott Pruitt

Good luck!